



Entered on Docket
June 29, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING THIRTY-FIRST OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

The USACM Liquidating Trust (the "USACM Trust") filed its Thirty-First Omnibus Objection to Claims Asserting Secured Status [DE 3190] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with the Court as follows:

- Reply filed by Wanda C. Wright, Trustee for the Wanda Wright Trust [DE 3410] pertaining to Claim No. 10725-00502. A separate stipulation or motion will be filed.
- Opposition filed by the Walls Family Trust [DE 3432] referring to Claim Nos. 10725-00396; 10725-00397; 10725-00398; 10725-00399; and 10725-00400.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Thirty-First Omnibus Objection to Claims Asserting Secured Status;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☐ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

Joseph P. Walls, Trustee

Eileen Walls, Trustee

APPROVED DISAPPROVED

Wanda C. Wright, Trustee
Wanda C. Wright, Trustee

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☒ approved the form of this order (Wanda C. Wright);
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b) (Joseph P. Walls; Eileen Walls) .
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☐ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
 Susan M. Freeman
 Rob Charles
Attorneys for USACM Liquidating Trust

APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

Joseph P. Walls, Trustee

Eileen Walls, Trustee

APPROVED/DISAPPROVED

Wanda C. Wright, Trustee

31st Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Trujillo, Carlos A 2818 Horseshoe Dr Las Vegas, NV 89120-3338	10725-00001	4/18/2006	\$240,000.00	S
2	Tuch, Cary & Carol 11445 Gerald Ave Granada Hills, CA 91344-3623	10725-00271	9/27/2006	\$100,000.00	S
3	Turner Development Llc Chris Turner 461 N Carlisle Pl Orange, CA 92869	10725-01322	11/13/2006	\$100,000.00	S
4	Turner Ttees Of, Louis H & Shirley M The Louis H & Shirley M Turner F 9558 Mammoth Ct Reno, NV 89521	10725-02219	1/12/2007	\$152,179.87	S, U
5	Turok, Noemi N 8808 Rainbow Ridge Dr Las Vegas, NV 89117-5815	10725-01174	11/10/2006	\$50,000.00	P, S, U
6	Tuttle, Dale L 6252 Chinook Way Las Vegas, Nv 89108-1733	10725-00247	9/26/2006	\$250,000.00	S
7	Ulm Ttee Of The Robert W Ulm Living Tr, Robert W 414 Morning Glory Rd St Marvs. GA 31558	10725-02088	1/11/2007	\$688,165.00	S, U
8	Ulm, Robert W 414 Morning Glory Rd St Marvs. GA 31558	10725-02089	1/11/2007	Unliquidated	S, U
9	Underpass Trust Ronald Montesant Ttee 5121 Big River Ave Las Vegas, NV 89130	10725-00372	10/2/2006	\$50,000.00	S
10	Underpass Trust Ronald Montesant Ttee 5121 Big River Ave Las Vegas, NV 89130	10725-00374	10/2/2006	\$50,000.00	S
11	Underpass Trust Ronald Montesant Ttee 5121 Big River Ave Las Vegas, NV 89130	10725-00375	10/2/2006	\$50,000.00	S
12	Underpass Trust Ronald Montesant Ttee 5121 Big River Ave Las Vegas, NV 89130	10725-00380	10/2/2006	\$50,000.00	S

13	Universal Management Inc A Nevada Corp 8080 Harborview Rd Blaine, WA 98230	10725-02123	1/11/2007	\$719,059.00	S, U
14	Ursula Greger & Stephanie Curran 95703 Kittery Rd Brookings, OR 97415	10725-00903	11/1/2006	\$55,000.00	S
15	Ursula R Greger & Stephanie Curran 95703 Kittery Rd Brookings, Or 97415-8158	10725-00956	11/1/2006	\$55,000.00	S
16	Valley Investments Corp 3131 Meade Ave Ste A-1 Las Vegas, NV 89102-7809	10725-00357	10/2/2006	\$1,492.91	S, P
17	Valon R Bishop Trust Dtd 5/7/03 C/O Valon R Bishop Trustee Po Box 50041 Reno. Nv 89513-0041	10725-00412	10/2/2006	\$30,131.00	S
18	Valon R Bishop Trust Dtd 5/7/03 C/O Valon R Bishop Trustee Po Box 50041 Reno, NV 89513-0041	10725-00504	10/9/2006	\$30,131.00	S
19	Verusio Solutions Llc 208 Clarence Way Fremont, CA 94539	10725-00093	8/4/2006	\$329,747.92	S
20	Vicky Nakashima 1681 Fairburn Ave. Los Angeles, CA 90024	10725-00693	10/20/2006	\$155,000.00	S
21	Violet, Melody J PO Box 2201 Vista, CA 92085	10725-01885	1/8/2007	Unknown	S
22	Virani, Aris 6926 Adobe Villa Ave Las Vegas, NV 89142	10725-01201	11/10/2006	\$50,000.00	S
23	Virani, Aris 6926 Adobe Villa Ave Las Vegas, NV 89142	10725-01245	11/10/2006	\$50,000.00	S
24	Virts Ttees Of The Virts Revocable Living Tr, Donald E & Patrizia 4381 W Hidden Valley Reno. NV 89502	10725-02165	1/12/2007	\$380,303.00	S, U
25	Voglis, Marietta 201 East 79Th St New York, NY 10021	10725-02163	1/12/2007	\$724,292.85	S
26	Volpel Trust Dtd 2/2/96 Gunter Volpel Trustee 90876 Libby Ln Coos Bay. OR 97420	10725-01847	1/4/2007	\$119,463.32	S, U

27	Wade, Jennifer A 2314 Tall Timbers Ln Marietta, GA 30066	10725-01116	11/9/2006	\$50,000.00	S
28	Wade, Marlee 2314 Tall Timbers Ln Marietta, GA 30066	10725-01118	11/9/2006	\$50,000.00	S
29	Wade, Marlene C 2314 Tall Timbers Ln Marietta, GA 30066	10725-01119	11/9/2006	\$50,000.00	S
30	Wagner, Scott E Po Box 523 Cumberland, Wi 54829-0523	10725-00268	9/27/2006	\$80,000.00	S
31	Wahl Jt Ten Wros, David C & Margaret A PO Box 8012 Mammoth Lakes, CA 93546	10725-02314	1/13/2007	\$201,149.92	S, U
32	Wahl, David C PO Box 8012 Mammoth Lakes, CA 93546	10725-02315	1/13/2007	\$72,112.48	S, U
33	Wahl, David Po Box 8012 Mammoth Lakes, Ca 93546	10725-01694	12/11/2006	\$289,414.18	S
34	Wald Financial Group Inc 249 Margo Way Pismo Beach, CA 93449-3252	10725-01461	11/14/2006	\$50,516.67	S
35	Wald Financial Grp Inc Defined Benefit Pension Trt Po Box 307 249 Margo Way Pismo Beach. CA 93448-0307	10725-01448	11/14/2006	\$50,520.83	S
36	Wald Financial Grp Inc Defined Benefit Pension Trust 2 Po Box 307 249 Margo Way Pismo Beach. CA 93448-0307	10725-01440	11/14/2006	\$50,538.19	S
37	Wald Financial Grp Inc Defined Benefit Pension Trust 249 Margo Way Pismo Beach. CA 93449	10725-01441	11/14/2006	\$50,516.67	S
38	Walker, Linda M 3710 Clover Way Reno, NV 89509	10725-00152	8/14/2006	\$101,500.00	S
39	Wallace III, William C & Ann Marie K Christopher D Jaime Esq Po Box 30000 Maupin Cox & Legoy Reno. NV 89520	10725-00517	10/18/2006	\$50,000.00	S

40	Wallace III, William C & Anna Marie K Chirstopher D Jaime Esq Po Box 30000 Maupin Cox & Legoy Reno. NV 89520	10725-00662	10/23/2006	\$50,000.00	S
41	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson Citv. NV 89703-4618	10725-00396	10/2/2006	\$100,000.00	S
42	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson Citv. NV 89703-4618	10725-00397	10/2/2006	\$50,000.00	S
43	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson Citv. NV 89703-4618	10725-00398	10/2/2006	\$200,000.00	S
44	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson Citv. NV 89703-4618	10725-00399	10/2/2006	\$200,000.00	S
45	Walls Family Trust Dtd 12/10/97 C/O Joseph P & Ellen Walls Ttees 2778 Bedford Way Carson Citv. NV 89703-4618	10725-00400	10/2/2006	\$200,000.00	S
46	Walter F Henningsen Revocable Trust Dtd 2/18/03 C/O Walter F Henningsen Trustee 5470 Sw Spruce Ave Beaverton. Or 97005-3561	10725-01023	11/6/2006	\$100,478.00	S
47	Walter, Diane 3 Malachite Rd Yerington, NV 89447	10725-00062	11/2/2006	\$50,000.00	S
48	Walther, Stephen G & Sonja 7990 Castle Pines Las Vegas, NV 89113	10725-01374	11/13/2006	\$25,000.00	S
49	Wanda Wright Revocable Living Trust C/O Wanda C Wright Trustee 16500 Pyramid Way Reno. NV 89510-8711	10725-00502	10/9/2006	\$54,200.00	S
50	Warwick, William 170 Dayton St Danvers. MA 01923	10725-00434	10/4/2006	\$57,833.00	S, P